



# IDAHO WATER RESOURCE BOARD

## **MINUTES OF STATE WATER PLAN SUB-COMMITTEE MEETING NO. 12**

**C. L. "Butch" Otter**  
Governor

**Jerry R. Rigby**  
Chairman  
Rexburg  
At Large

**Terry T. Uhling**  
Vice Chairman  
Boise  
District 2

**Bob Graham**  
Secretary  
Bonners Ferry  
At Large

**Charles "Chuck"  
Cuddy**  
Orofino  
District 1

**Leonard Beck**  
Burley  
District 3

**L. Claude Storer**  
Idaho Falls  
District 4

**Gary M.  
Chamberlain**  
Challis  
At Large

**Lawrence "Vic"  
Armacost**  
New Meadows  
At Large

Idaho Water Center  
Boise, Idaho  
August 18, 2008

The Chairman of the committee, Gary Chamberlain, called the meeting to order at 1:00 p.m. Vic Armacost and Leonard Beck were also present.

Staff members present were Hal Anderson, Administrator; Brian Patton, Bureau Chief of Planning; Helen Harrington, Planning Section Manager; Neeley Miller, Senior Planner; Cynthia Bridge Clark, Engineer, and Patsy McGourty, Recording Secretary.

Guests in attendance were:

Lynn Tominaga, IGWA	Shelley Davis, Barker Rosholt
Kevin Lewis, Idaho Rivers United	Dave Blew, Idaho Power
Peter Anderson, Trout Unlimited	

### **Agenda Item No. 1, Introductions**

Introductions were made around the room.

### **Agenda Item No. 2. Continue Draft Policy Review with New Format**

Mr. Armacost requested a list of sections that are not finished for the next meeting.

#### **2. Conservation**

The Committee began discussion on the definition of conservation – what it is and what it isn't. Everyone agreed that it was not for the purpose of expanding a water right and that it should be in compliance with the prior appropriation doctrine. They decided to add the terms "voluntary" and "market based" to this policy.

## **2A. Reasonable Use**

Discussion ensued about conservation versus new projects. Mr. Anderson noted that in different areas of the state uses vary. In northern Idaho municipal use is bigger than agriculture and in southern Idaho agriculture is the big user. Mr. Armacost thought conservation should be considered as much as new water supplies. The title of the section was changed to Water Use Efficiency. The policy was changed to say, "the efficient use of water should be promoted in accordance with State water law." The Committee discussed the comments and implementation strategies. Mr. Armacost wanted to add identify local opportunities for conservation.

The Committee discussed funding options because without that there was no point to make recommendations. The Board does include conservation in its loan projects. The Committee decided to recommend seeking resources to establish and implement a statewide water conservation program.

## **2B Federally Listed Species & State Species of Concern**

The Committee reviewed the new comments that combine both Federal and State issues. They discussed the intent of the policy statement and combining the two into one. Kevin Lewis, Idaho Rivers United, pointed out that the State Office of Species Conservation works to keep endangered species off the federal listing. The state wants to solve its own issues without federal involvement. The Committee decided to have staff rewrite this section for the next meeting.

Mr. Anderson suggested that a simple statement of maintaining plant and animal species are important would suffice.

Ms. Harrington asked if there was a need for a separate policy on invasive species. The Committee felt that the Department of Agriculture was sufficiently handling that issue.

## **2C Lake and Reservoir Management**

Ms. Harrington noted that she had met with Mike McIntyre from the Division of Environmental Quality. This policy is largely about water quality and that falls under DEQ. Mr. McIntyre noted that although this policy had existed since 1996 no money has funded a program under DEQ. Some lakes have councils or advisory committees that have developed plans, i.e., Payette and Coeur d'Alene. The Committee discussed the policy as it falls under Board authority. The Board can set minimum lake levels when requested.

Ms. Davis asked why a new format was designed for this version of the State Water Plan. Chairman Chamberlain responded that the policy statement needs concrete additions and measurable results. Mr. Patton added that it forces follow through although some policies do not have the implementation strategies and recommendations.

The Chairman called a lunch break. After the break the Committee continued with 2C Lake and Reservoir Management discussing a few changes to outline Board authority on minimum lake levels.

## **2D Climate Variability**

The Committee discussed flooding risk assessments and coordination amongst federal agencies. Mr. Anderson noted that federal agencies have been sued for failure to consider climate change in their operations. The Committee made no changes to this new policy.

## **2E Instream Flow**

Ms. Harrington had some discussion with legal staff on the issue of transferability of a consumptive use right to a minimum stream flow right. The advice was that the Board needs to decide what they want the policy to be. The Committee discussed the issue noting that the Lemhi and Big Wood Rivers had specific legislative authority. Further discussion ensued on establishing minimum stream flows. The Chairman suggested leaving this policy as is for public comment and full Board approval.

## **3. Development**

### **3A Water Supply Enhancement**

Mr. Armacost suggested that this category be divided into two categories. The Committee discussed the organization and decided to add the word “surface” to the title. The Committee then suggested moving several sections out of development and relocating them to other categories. Staff will compose a new introductory paragraph for Development.

Ms. Harrington distributed a new list of Projected Costs of Dam Construction to everyone. She noted that the State Water Plan contains a list of projects that the Board may want to pursue for storage. There was discussion about having a list like that in the plan. The Board is required to have a list but it does not necessarily need to be in the SWP. Chairman Chamberlain suggested requesting a list from the Storage Committee and include that list in the Resource Inventory. This way it can be updated separately from the State Water Plan. He suggested that the Storage Committee needs to review the storage issues listed in this list.

### **3B State Protected River System**

Mr. Anderson noted that this section has been completed. The Board now has these authorities and a Protected River System is in place. There was discussion about expanding or maintaining the current program. The Committee made some revisions. It was noted that a table and map will be included in the Resource Inventory. Ms. Harrington also noted that MOU's with the BLM and Forest Service would be in the Resource Inventory.

### **3C Riparian Habitat & Wetlands**

Ms. Harrington stated she was waiting for comments from outside agencies for this section.

### **3D Stream Channel Rehabilitation**

Although the Board adopts the rules for the Stream Channel Protection Program, this policy has a narrower scope. The Committee discussed the purpose of this policy and determined that the policy is for an as needed basis. They considered comments from the Resource Protection staff.

### **3E Tailings Pond Regulations**

This section is eliminated because this is an existing function of the Dam Safety Section.

### **3F Radioactive Waste Monitoring**

Ms. Harrington stated she is still waiting for comments from DEQ.

### **3F Safety Measures Program**

Ms. Harrington stated she is still waiting for comments. This policy has never been implemented. The Committee discussed why this was the case and decided to discuss it later.

### **3G Flood Prone Areas**

Due to time constraints the Committee postponed discussion of this policy until later. Mr. Armacost moved to adjourn and Mr. Beck seconded. All were in favor.

### **Agenda Item No. 3.,Future Meeting Schedule**

The next meeting is set for October 6<sup>th</sup>.

The meeting was adjourned.

Dated this \_\_\_\_\_ day of August 2008.

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Patsy McGourty  
Administrative Assistant II